

REMARKS

The Final Office Action mailed June 9, 2010, considered and rejected claims 1–2, 4–6, 8, 18–20, 22, 23, 33–37, 47, 49 and 53–85. Claims 36 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jasper et al., U.S. Patent No. 5,519,370 (filed Oct. 28, 1991) (hereinafter Jasper) in view of Vook et al., U.S. Patent No. 5,982,327 (filed Jan. 12, 1998) (hereinafter Vook). Claim 53 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ono, U.S. Patent No. 5,999,560 (filed Sep. 10, 1998) (hereinafter Ono) in view of Dabak et al., U.S. Patent No. 6,483,821 (filed Apr. 19, 1999) (hereinafter Dabak).¹

By this response, claims 20, 22, 34, 55–61, 64–65, 67, 71–77, 80–81, and 83 are amended. Claims 18, 33, 36, 49, 53, and 69 are cancelled. Claims 86–109 are newly added. Claims 1–2, 4–6, 8, 19–20, 22–23, 34–35, 37, 47, 54–68, and 70–108 remain pending. As all claims have now been indicated as allowable, there are no independent claims which remain at issue.² Support for the amendments may be found, *inter alia*, within the claims as previously presented (and as indicated as allowed).³

While indicated as allowed,⁴ the Applicants have now cancelled claims 18, 33, and 69. However, Applicants reserve the right to pursue such claims and/or subject matter at such a time as may be appropriate or desirable, such as, for example, in a continuation application.

Claims 20 and 22 were dependent upon allowed (but now-cancelled) claim 18 and have now been amended to be independent claims incorporating the limitations of claim 18. As claims 20 and 22 were previously allowed in dependent form, they should be allowable in independent form incorporating the limitations of the allowed base claim.

Claim 34 was allowed and was dependent upon allowed (but now-cancelled) claim 33. Claim 34 has now been amended to be an independent claim incorporating the limitations of the

¹ See Office Communication (paper no. 20100525, June 9, 2010). Please note, Applicant reserves the right to challenge the prior art status of any cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Please note that claims 86–109, which have been newly presented, should not be at issue as they are dependent claims which have already been indicated as allowable; see Office Comm. p. 5; but which now have been rewritten to explicitly incorporate the limitations of the respective independent base claim(s).

³ As discussed herein, the amended claims and newly added claims present claims in a form as indicated as allowable in the recent Office Action – either by removing a reference in a multiply-dependent claim to a now-cancelled base claim or by rewriting in independent form an already allowed dependent claim. It should also be noted that the claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

⁴ Office Comm. p. 5.

allowed but now cancelled claim 33. As claim 34 was previously allowed in dependent form, it should still be allowable in independent form incorporating the limitations of the allowed base claim.

Independent claims 36 and 49 were rejected under 35 U.S.C. § 103 as being unpatentable in view of Jasper and in view of Vook.⁵ Claims 36 and 49 have now been cancelled (but the right to traverse the rejections and pursue such subject matter is hereby reserved).⁶

Independent claim 53 was rejected under 35 U.S.C. § 103 as being unpatentable in view of Ono and in view of Dabak.⁷ Claim 53 has now been cancelled (but the right to traverse the rejection and pursue such subject matter is hereby reserved).⁸

Each of already allowed claims 55–61, 64–65, and 67, has been amended to remove dependency upon now-cancelled claim 53. As each claim was already allowed and as each claim depends now only upon allowed base claims, each claim should remain allowable.

Each of already allowed claims 71–77, 80–81, and 83 has been amended to remove dependency upon now-cancelled claim 69. As each claim was already allowed and as each claim depends now only upon allowed claims, each claim should remain allowable.

Claims 86–109 have been newly added. Claims 86–92 and 93–97 correspond to already allowed claims 55–61 and 64–68, respectively, but each has now been rewritten to incorporate the now-cancelled claim 53. As each claim was already allowable when depending from claim 53,⁹ each claim should be allowable now as rewritten to explicitly incorporate the limitations of claim 53.

Newly added claims 98–104 and 105–109 correspond to already allowed claims 71–77 and 80–84, respectively, but each has now been rewritten to incorporate the now-cancelled claim

⁵ Office Comm. p. 2. The Applicants note that the Office Action Summary indicated that claim 47 was rejected; Office Comm. p. 1; but the discussion indicated that claim 49 was rejected; Office Comm. p. 2; and indicated that claim 47 was allowed; Office Comm. p. 5.

⁶ The Applicants reserve the right to pursue any subject matter at such a time as may be appropriate or desirable such as, for example, in a continuation or divisional application. Accordingly, cancellation of the rejected claims does not evince any acquiescence or concession by the Applicants as to the asserted rejections or to the teachings of the cited references.

⁷ Office Comm. p. 4.

⁸ The Applicants reserve the right to pursue any subject matter at such a time as may be appropriate or desirable such as, for example, in a continuation or divisional application. Accordingly, cancellation of the rejected claims does not evince any acquiescence or concession by the Applicants as to the asserted rejections or to the teachings of the cited references.

⁹ Office Comm. p. 5.

69. As each claim was already allowable when depending from claim 69,¹⁰ each claim should be allowable now as rewritten to explicitly incorporate the limitations of claim 69.

As each claim rejected in the Office Action has now been cancelled and as each amended and/or newly presented claim recites only subject matter already indicated as allowable, the Applicants submit that this response and amendment merely places each remaining claim in condition for allowance and does not present any new material for consideration. Accordingly, the Applicants submit that it is appropriate to submit this response and amendment (after final) without the necessity of a Request for Continued Examination (RCE). Accordingly, the Applicants respectfully request the Examiner to enter the amendments and newly added claims and issue a Notice of Allowance.

In view of the foregoing, Applicant respectfully submits that any other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise (such as, for example, to pursue any cancelled subject matter in a continuation application). Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

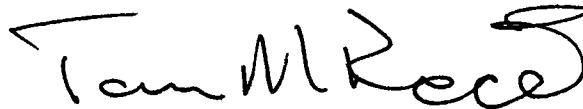
The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

¹⁰ Office Comm. p. 5.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 9th day of September, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom M. Bonacci". The signature is written in a cursive style with a large, sweeping initial "T" and a long, horizontal flourish at the end.

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